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October 30, 2020

BY ECF

Honorable Denise L. Cote
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Zalmund Zirkind*, S9 19 Cr. 463 (DLC)
SECOND MOTION TO AMEND CONDITIONS OF BOND TO PERMIT
DAILY MORNING ATTENDANCE AT RELIGIOUS SERVICES 9 A.M TO 11
A.M.

Dear Judge Cote:

On behalf of Mr. Zirkind, this application follows the Court's denial, without prejudice, of the request to permit attendance at morning daily prayer service from 9 a.m. until 11 a.m. at Congregation Lubavitcher, 770 Eastern Parkway in Brooklyn, NY, the same location where the Defendant is now permitted to attend Sabbath services. DE 142 ("The defendant may not violate any New York State Covid-19 restrictions or any other law. This application is denied without prejudice to renewal supported by a showing that attendance at these times and at this place will fully comply with the law.")

The Defendant recognizes that his pre-trial release is a form of very limited liberty which includes the obligation to comply with all laws, including those pertaining to the COVID-19 epidemic at any service attendance.

Our initial application failed to specify some relevant facts. First, the Defendant intends to only attend morning service only within a second floor room of that synagogue which is commonly referred to as the Zal. The second floor of that synagogue is subject to extreme restrictive attendance requirements. Though built to accommodate perhaps 100 congregants in that room, during the COVID epidemic, no more than fifteen individuals are permitted to enter the second floor Zal for morning or Sabbath prayer services. That fifteen congregant attendance is enforced by Rabbi Halberstam who is the father in law of a good friend of the Defendant and approved Mr. Zirkind's attendance. Entrance to the Zal is controlled by Rabbi Halberstam with lock and key.

Consistent with review of Executive Order 202.68 and checking the address on www.nyc.gov/COVIDZone, the website launched to allow New Yorkers to locate their zones, the Lubavitch Synagogue is not in a hot spot or designated COVID-19 zone. Even though Lubavitch Synagogue is not in a hotspot, the Zal room houses less than 25% of the normal number of congregants. That prayer location is filled with a number of tables, larger than 6 feet in length, and no more than 2 people are seated at each table during the morning service. The Defendant will wear a mask during the entirety of the service. The Defendant attends Sabbath services under the same conditions, socially distanced.

The Defendant will not attend services on first floor of the synagogue which commonly accommodates a much larger number of congregants.

The Defendant is fully compliant with his release conditions and USPO Rothman and AUSA Lake agreed with this prayer service attendance request.

We thank Your Honor for your review.

Respectfully submitted,

/s/ Neil M. Schuster

Neil M. Schuster

NMS:asnd

By ECF:

Josh Rothman, Intensive Supervision Specialist

Stephanie Lake, AUSA

Aline R Flodr, AUSA

Sebastian Swett, AUSA

Attendance is approved to the extent it conforms with the representations in this letter.

So Ordered: 11/2/2020



DENISE COTE

United States District Judge